

### **REMARKS**

Claims 1, 2, 4-12, 14-18, 20 and 21 are now pending in the present application. Claims 1, 4-6, 10, 11, 14, 17 and 18 have been amended, claims 3, 13 and 19 have been canceled and claims 20 and 21 have been added. Claims 1, 10, 11, 18 and 20 are independent. Reconsideration of this application, as amended, is respectfully requested.

#### **Election/Restriction**

Claim 19 stands withdrawn from further consideration as being directed to a non-elected invention. As the Examiner will note, claim 19 has been canceled without prejudice to or disclaimer of the subject matter contained therein. Applicant reserves the right to file a divisional application directed to the invention of claim 19 at a later date if it is so desired.

#### **Rejection Under 35 U.S.C. § 112**

Claims 5, 6, 17 and 18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

With regard to claims 5 and 6, the Examiner asserts that these claims are confusing since it is unclear whether the blade is part of the claimed backing strip or not. As the Examiner will note, claims 5 and 6 have been amended to clarify that the backing strip is being recited. In other words, the wiper blade is not a part of the backing strip. Specifically, the orientation with the wiper blade has been functionally recited in order to avoid positive recitation of the wiper blade. Therefore, it is believed that claims 5 and 6 are definite and clear.

With regard to claims 17 and 18, claim 17 has been amended to depend from claim 16 and claim 18 has been rewritten in independent form including the limitations of original independent claim 11. Therefore, it is believed that claims 17 and 18 are definite and clear as well.

In view of the above amendments and remarks, Applicant respectfully submits that claims 5, 6, 17 and 18 are definite and clear. Accordingly, reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 112, second paragraph are respectfully requested.

#### **Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 11, 16 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ullrich et al., USPN 6,112,365. Claims 1, 2, 8, 11, 12 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mower, EP 0465095. Claims 1, 4, 7, 11, 14 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Orjela et al., U.S. Patent Application Publication No. 2002/0050019. Claims 1, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ullrich et al. These rejections are respectfully traversed.

As the Examiner will note, independent claims 1 and 11 have been amended to include the subject matter of dependent claims 3 and 13, respectively. The Examiner indicated that claims 3 and 13 are directed to allowable subject matter. In view of this, independent claims 1 and 11 should be in condition for allowance.

In addition, dependent claims 10 and 18 have been rewritten in independent form to include all of the limitations of original independent claim 1 and 11, respectively. The Examiner

indicated that claims 10 and 18 are directed to allowable subject matter. Therefore, independent claims 10 and 18 should be in condition for allowance.

With regard to dependent claims 2, 4-9, 12 and 14-17, Applicant respectfully submits that these claims are allowable due to their respective dependence upon independent claims 1, 10, 11 and 18, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicant respectfully submits that claims 1, 2, 4-12 and 14-18 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

### **Additional Claims**

Additional claims 20 and 21 have been added for the Examiner's consideration. Applicant respectfully submits that independent claims 20 and 21 are supported by at least paragraph [0029] of the present specification. In view of this, no new matter has been entered by the presentation of claims 20 and 21. Applicant submits that claims 20 and 21 are not taught or suggested by the references relied on by the Examiner.

Favorable consideration and allowance of additional claims 20 and 21 are respectfully requested.

### **Double Patenting**

Claims 17 and 18 stand objected to under 37 C.F.R. § 1.75 as being substantial duplicates of claims 9 and 10, respectively. As the Examiner will note, claim 17 has been amended to

depend from claim 16 and claim 18 has been amended to be in independent form including the limitations of original independent claim 11. Therefore, the double patenting objection has been obviated. Reconsideration of this objection are therefore respectfully requested.

### **Allowable Subject Matter**

Claims 3, 10, 13 and 18 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. In addition, claims 5 and 6 have been objected to by the Examiner, but would be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. § 112.

As mentioned above, dependent claims 3 and 13 have been rewritten in independent form including all of the limitations of original independent claims 1 and 11, respectively. In view of this, independent claims 1 and 11 should be in condition for allowance. Claims 5 and 6 have been amended to address the Examiner's rejection under 35 U.S.C. § 112.

In addition, dependent claims 10 and 18 have been rewritten in independent form including all of the limitations of original independent claims 1 and 11, respectively. Therefore, independent claims 10 and 18 should be in condition for allowance.

With regard to dependent claims 2, 4-9, 12 and 14-17, Applicant submits that these claims are allowable due to their respective dependence upon independent claims 1, 10, 11 and 18.

Favorable consideration and early allowance of the present application are respectfully requested.

**CONCLUSION**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

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Respectfully submitted,

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